United Nations S/AC.50/2007/36

# Security Council

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**Security Council Committee established pursuant to resolution 1737 (2006)**

## Letter dated 23 February 2007 from the Permanent Representative of New Zealand to the United Nations addressed to the Chairman of the Committee

On the instructions of my Government, I am pleased to attach New Zealand's national report on steps taken to implement Security Council resolution 1737 (2006) as required by paragraph 19 of the resolution (see annex).

(*Signed*) Rosemary **Banks**
Permanent Representative

07-25950 (E) 190307

**Annex to the letter dated 23 February 2007 from the Permanent Representative of New Zealand to the United Nations addressed to the Chairman of the Committee**

**New Zealand Report on the implementation of sanctions imposed by United Nations Security Council resolution 1737 (2006)**

Under paragraph 19 of the United Nations Security Council Resolution 1737 (UNSCR 1737), member states are called upon to report to the Committee within sixty days of the adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 4, 5, 6, 7, 8, 10, 12, and 17 of the resolution.

2 New Zealand wishes to inform the Council that it is working to implement UNSCR 1737 through the drafting of sanctions regulations promulgated under the United Nations Act 1946. New Zealand intends to promulgate the Regulations as soon as possible.

**Paragraphs 3, 4 and 5: Embargo on the export of nuclear weapon, missile or enrichment-related items:**

***Paragraph 3:***

*All States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology which could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems, namely:*

*(a) those set out in sections B.2, B.3, B.4, B.5, B.6 and B.7 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814;*

*(b) those set out in sections A.1 and B.1 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814, except the supply, sale or transfer of:*

*(i) equipment covered by B.1 when such equipment is for light water reactors;*

*(ii) low-enriched uranium covered by A.1.2 when it is incorporated in assembled nuclear fuel elements for such reactors;*

*(c) those set out in document S/2006/815, except the supply, sale or transfer of items covered by 19.A.3 of Category II;*

*(d) any additional items, materials, equipment, goods and technology, determined as necessary by the Security Council or the Committee established by paragraph 18 below*

*(herein "the Committee"), which could contribute to enrichment-related, or reprocessing, or heavy water-related activities, or to the development of nuclear weapon delivery systems*

***Paragraph 4:***
*All States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of the following items, materials, equipment, goods and technology:*

*(a) those set out in INFCIRC/254/Rev.7/Part2 of document S/2006/814 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities;*

*(b) any other items not listed in documents S/2006/814 or S/2006/815 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems;*

*(c) any further items if the State determines that they would contribute to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding;*

3 New Zealand's Regulation will prevent the direct or indirect supply, sale or transfer to Iran, through New Zealand's territory, or using New Zealand's flag vessels or aircraft (whether or not originating in their territories) of goods and technology that could contribute to Iran's enrichment-related, reprocessing or heavy water related activities, or development of nuclear weapons delivery systems, but with exemptions for equipment related to light water reactors and low enriched uranium (when it is incorporated in assembled nuclear fuel elements for such reactors).

4 The specific items subject to this control outlined in paragraph 3 of UNSCR 1737 will be included in New Zealand's Regulation. In addition, in line with paragraph 4 of UNSCR 1737, New Zealand's Regulation will give New Zealand the discretion to prohibit the provision of any further items that New Zealand determines would contribute to Iran's enrichment-related, reprocessing or heavy water related activities, or development of nuclear weapons delivery systems, or other topics about which the IAEA has expressed concerns or identified as outstanding.

5 The New Zealand authorities are already exercising vigilance under commitments entered into as a member of the Nuclear Suppliers Group and the Missile Technology Control Regime to ensure that exports to Iran for these purposes does not take place.

***Paragraph 5:***
*For the supply, sale or transfer of all items, materials, equipment, goods and technology covered by documents S/2006/814 and S/2006/815 the export of which to Iran is not prohibited by subparagraphs 3 (b), 3 (c) or 4 (a) above, States shall ensure that:*

*(a) the requirements, as appropriate, of the Guidelines as set out in documents S/2006/814 and S/2006/985 have been met; and*

*(b) they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; and*

*(c) they notify the Committee within ten days of the supply, sale or transfer; and*

*(d) in the case of items, materials, equipment, goods and technology contained in document S/2006/814, they also notify the IAEA within ten days of the supply, sale or transfer;*

6 Paragraph 5 provides the specific conditions under which States can supply, sell or transfer some specific items to Iran and these will be included in New Zealand's Regulation.

**Paragraph 6: Ban on the provision of services**

***Paragraph 6:***
*All States shall also take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in paragraphs 3 and 4 above*

7 New Zealand's Regulation will ban the export of services (technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services) related to paragraphs 3 and 4 of the resolution to Iran. For example, under New Zealand's Regulation, a New Zealander would be banned from providing technical training or brokering a deal to facilitate the provision of sanctioned goods to Iran.

**Paragraph 7: Ban on New Zealanders procuring certain goods and technology**

***Paragraph 7:***
*Iran shall not export any of the items in documents S/2006/814 and S/2006/815 and all Member States shall prohibit the procurement of such items from Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran*

8 New Zealand's Regulation will prohibit New Zealanders from procuring such goods and technology from Iran or transporting such goods on their flagged vessels or aircraft.

## Paragraph 12: Asset freeze

***Paragraph 12:***
*All States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, that are owned or controlled by the persons or entities designated in the Annex, as well as those of additional persons or entities designated by the Security Council or by the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Security Council or the Committee removes them from the Annex, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities*

9 New Zealand's Regulation will freeze the assets (funds, economic resources) on New Zealand territory owned or controlled by persons/entities designated in the Annex or additional persons/entities to be designated by the Security Council or by the Iran Sanctions Committee. There are some exemptions to this sanction (including payments for legal fees and necessary expenses) which will be considered by member states on a case by case basis and which will be subject to the approval of the Sanctions Committee.

## Additional paragraphs (Paragraphs 8, 10 and 17)

**Paragraph 8:**
*Iran shall provide such access and cooperation as the IAEA requests to be able to verify the suspension outlined in paragraph 2 and to resolve all outstanding issues, as identified in IAEA reports, and calls upon Iran to ratify promptly the Additional Protocol*

10 New Zealand strongly encourages Iran to comply with paragraph 8 and in particular to become party to the Additional Protocol as soon as possible.

***Paragraph 10***
*All States to exercise vigilance regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee of the entry into*

*or transit through their territories of the persons designated in the Annex to this resolution (herein "the Annex"), as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 above, except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) above*

11 New Zealand is in compliance with this paragraph as, following the adoption of the resolution, immigration system alerts were raised against those designated individuals in case any of them sought to enter or transit New Zealand.

***Paragraph 17***

*All States to exercise vigilance and prevent specialized teaching or training of Iranian nationals, within their territories or by their nationals, of disciplines which would contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems*

12 Paragraph 17 calls upon States to exercise vigilance and prevent specialised teaching or training within New Zealand or by New Zealanders of Iranian nationals of disciplines which could contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems. Persons applying to study in New Zealand in disciplines which could contribute to proliferation sensitive nuclear activities and development of nuclear weapon delivery systems are subject to rigorous screening procedures to ensure that such studies do not contribute to such activities.

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## Letter dated 23 February 2007 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraph 19 of Security Council resolution 1737 (2006), I have the honour to submit the following detailed information on steps taken by Germany with a view to a prompt and comprehensive implementation of the provisions of paragraphs 3, 4, 5, 6, 7, 10, 12 and 17 of said resolution.

Operative paragraphs 3, 4 (a) and 5: according to the European Council Regulation on export controls of dual-use goods (Regulation (EC) No. 1334/2000), all items contained in Security Council documents S/2007/814 (Nuclear Suppliers Group list) and S/2007/815 (Missile Technology Control Regime list) are subject to export authorizations in their entirety. No authorizations have been granted for the export of those goods to Iran since the entry into force of resolution 1737 (2006).

Operative paragraph 4 (b) and (c): all other items not listed in those international control regimes are subject to authorization when being exported to Iran if, in the particular case, they are intended or may be intended for an end use related to Weapons of Mass Destruction (including nuclear weapons), to delivery systems for Weapons of Mass Destruction or to civilian nuclear technical purposes. No authorizations have been granted for the export of those goods to Iran since the entry into force of resolution 1737 (2006).

Operative paragraph 6: the German War Weapons Control Act prohibits all actions which promote the development, production, brokering and sale of nuclear, biological and chemical weapons. This covers training, financing and other services that promote WMD-development and production. Violation of this prohibition constitutes a criminal offence. Investigation authorities have been and continue to be pursuing suspected criminal acts of this kind, including those with relevance to Iran.

Based on a Joint Action of the European Council, Germany also introduced restrictions on the provision of technical assistance into national legislation in 2000. Regarding Iran, these provisions are relevant for technical assistance related (among others) to nuclear weapons and their means of delivery as well as to civilian nuclear technical purposes.

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Operative paragraph 7: German customs authorities and their branch offices have been instructed to thoroughly review all merchandise declared for export to Iran as well as imports from Iran. In case of doubt on the potential purpose of the supplies in question, they have to notify a special task force established within the Federal Ministry of Finance which will then decide whether to stop the export.

Operative paragraph 10: German authorities are observing through all available means, including the visa regime which is in force for Iranian nationals, entries or transit passages of the individuals listed in the annex to resolution 1737 (2006). To date, no travel of those persons to Germany was observed. Following Schengen regulations, however, permanent controls of internal borders between Schengen member States have been abolished. This imposes certain limitations on Schengen member States, including Germany, to observe and report such movements.

Operative paragraph 12: effective 9 February 2007, Germany has temporarily prohibited access to the financial assets and economic resources of those persons, organizations and institutions listed in the annex to resolution 1737 (2006). Financial assets and economic resources may not be provided to them unless the conditions of operative paragraphs 13, 14 or 15 of the resolution are met. This regulation remains in force until a European Council regulation, which the competent European Council bodies are currently drafting, enters into force.

Operative paragraph 17: as to specialized training and teaching of Iranian nationals in sensitive disciplines, arrangements have been put in place for a notification of relevant individuals which then allows the German authorities to deny access by those individuals to the desired research institutions.

Regarding the steps taken by the European Union, I wish to refer to my letter dated 22 February 2007, addressed to you in my capacity as representative of the Presidency of the European Union.

(*Signed*) Thomas **Matussek**
Ambassador